

REMARKS

The Substitute Specification provides additional information concerning the characteristics that are inherently exhibited by the new 'Meitelov' variety. Such Substitute Specification generally conforms to that filed on May 27, 2003 in parent Application No. 10/445,017, and previously was found to comply with 35 U.S.C. § 112.

Parent Application No. 10/445,017 is a Continuation of Application No. 09/649,218, filed August 28, 2000.

For the reasons indicated in detail during the prosecution of parent Application Nos. 09/649,218 and 10/445,017 there is urged to exist no sound basis to continue to deny patent protection under 35 U.S.C. § 102(b).

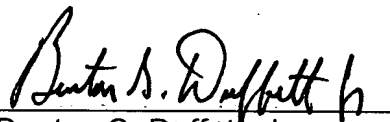
The examination and allowance of the Application are respectfully requested.

Respectfully submitted,

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Date: February 13, 2004

By:



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BOTANICAL/COMMERCIAL CLASSIFICATION

Rosa hybrida/Hybrid Tea Rose

VARIETAL DENOMINATION

cv. 'Meitelov'

This is a Continuation of United States Plant Patent Application
No. 10/445,017, filed May 27, 2003, which is a Continuation of United States
Plant Patent Application No. 09/649,218, filed August 28, 2000.

Summary of the Invention

The new variety of Rosa hybrida Hybrid Tea rose plant was created by artificial pollination wherein two parents were crossed which previously had been studied in the hope that they would contribute the desired characteristics. The female parent (i.e., the seed parent) of the new variety was formed by crossing the 'Meidragelac' variety (non-patented in the United States) and the 'Meikinosi' variety (non-patented in the United States). The male parent (i.e., the pollen parent) was the 'Korbelma' variety (non-patented in the United States). The parentage of the new variety can be summarized as follows:

('Meidragelac' x 'Meikinosi') x 'Korbelma'.

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The seeds resulting from the above pollination were sown and small plants were obtained which were physically and biologically different from each other. Selective study resulted in the identification of a single plant of the new variety.

It was found that the new variety of Hybrid Tea rose plant of the present invention possesses the following combination of characteristics:

- (a) exhibits an erect growth habit,
- (b) exhibits a strong vigorous growth habit,
- (c) abundantly forms over substantially the entire season attractive large double yellow blossoms that are lightly perfumed,
- (d) forms decorative dark green semi-glossy foliage that contrasts well with the yellow blossoms, and
- (e) is particularly well suited for growing as attractive ornamentation in the landscape.

The disease resistance of the new variety is excellent.

The new variety of the present invention can be readily distinguished from its ancestors. More specifically, the 'Meidragelac' variety displays a shorter growth habit and bears bicolored salmon flowers, the 'Meikinosi' variety displays a shorter growth habit and bears flowers having a lesser number of petals, and the

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'Korbelma' variety displays dissimilar high-pointed buds and flowers having a lesser number of petals.

The new variety well meets the needs of the horticultural industry and can be grown to advantage in parks and gardens.

The new variety has been found to undergo asexual propagation in France by a number of routes, including budding, grafting, and cuttage. Asexual propagation by the above-mentioned techniques in France has shown that the characteristics of the new variety are stable and are strictly transmissible by such asexual propagation from one generation to another.

The initiation of rooting on cuttings takes place in an expeditious manner.
For instance, when semi-hardwood cuttings are placed in the greenhouse during July, new plants commonly can be planted in the field during the second week of September.

The new variety has been named the 'Meitelov' variety.

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The accompanying photograph shows as nearly true as it is reasonably possible to make the same, in a color illustration of this character, typical specimens of the plant parts of the new variety. The rose plants of the new variety were one year of age and were observed during September while budded on Rosa froebelli understock and growing in outdoors at Le Cannet des Maures, Var, France. Dimensions in centimeters are indicated at the bottom of the photograph.

- Fig. 1 - illustrates a specimen of a young shoot;
- Fig. 2 - illustrates a specimen of a floral bud before the opening of the sepals;
- Fig. 3 - illustrates a specimen of a floral bud at the opening of the sepals;
- Fig. 4 - illustrates a specimen of a floral bud at the opening of the petals;
- Fig. 5 - illustrates a specimen of a flower in the course of opening;
- Fig. 6 - illustrates a specimen of an open flower - plan view
-obverse;

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- Fig. 7 - illustrates a specimen of an open flower - plan view
-reverse;
- Fig. 8 - illustrates a specimen of a fully open flower - plan
view - obverse;
- Fig. 9 - illustrates a specimen of a fully open flower - plan
view - reverse;
- Fig. 10 - illustrates a specimen of a floral receptacle showing
the arrangement of the stamens and pistils;
- Fig. 11 - illustrates a specimen of a floral receptacle showing
the arrangement of the pistils (stamens removed);
- Fig. 12 - illustrates a specimen of a flowering stem;
- Fig. 13 - illustrates a specimen of a main branch;
- Fig. 14 - illustrates a specimen of a leaf with three leaflets
-plan view - upper surface;
- Fig. 15 - illustrates a specimen of a leaf with five leaflets - plan
view - under surface; and
- Fig. 16 - illustrates a specimen of a leaf with seven leaflets -
plan view - upper surface.

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The chart used in the identification of the colors is that of the Royal Horticultural Society (R.H.S. Colour Chart). The description is based on the observation of one year-old plants during October while budded on Rosa froebelli understock and growing outdoors at Le Cannet des Maures, Var, France. The coloration in more common terms precedes reference to the chart in some instances. Such terminology is to be accorded its ordinary dictionary significance.

CLASS: Hybrid Tea.

PLANT: height -- approximately 120 to 130 cm at the end of the growing season.

width -- approximately 90 to 100 cm at the end of the growing season.

habit -- erect.

BRANCHES: color -- young stems: near Green Group 143A.

-- adult wood: near Green Group 137A.

diameter -- commonly approximately 1.3 cm.

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- texture: glandular on upper surface and
bear a few prickles on under surface.
- length: Approximately 1.2 cm on average
on terminal leaflet.
- diameter: commonly approximately 0.2 cm
on average.
- leaflets
 - number: 3, 5 (most often), and 7.
 - shape: oval with a pointed apex and obtuse
at the base.
 - size: commonly approximately 5 cm in
length and approximately 4 cm in width on
average.
 - serration: simple and regular (as
illustrated).
 - texture: [rather consistent] smooth and
leathery.
 - general appearance: very dense, medium
green, and semi-dull.

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- color (young foliage):
upper surface: near Green Group 131A.
under surface: lighter green, near Green Group 137A.
- color (adult foliage):
upper surface: near Green Group 131A.
under surface: near Green Group 137A.
- venation: typical for the leaves of the rose plant and near Green Group 138B in coloration.

INFLORESCENCE

- number of flowers -- usually one to three flowers per stem.
- peduncle -- rigid, medium in thickness, Yellow-Green Group 144A, the diameter commonly is approximately 0.4 cm on average, and the length is approximately 4 cm on average.

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sepals

- upper surface: five in number, tomentose
and near Green Group 138A and 138B.
The sepals commonly are approximately 2
cm in length and approximately 0.8 cm in
width.

- under surface: near Green Group 143A
with weak extensions (as illustrated).

buds

- shape: conical.
- size: large.
- length: approximately 3.5 cm on average.
- color upon opening:
upper surface: Lemon Yellow, near
Yellow-Orange Group 14C, and widely
suffused with Yellow-Orange Group 14B.
under surface: Lemon Yellow, near
Yellow-Orange Group 14C, and widely
suffused with Yellow-Orange Group 14B.

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- flower
- shape: cup-shaped.
 - diameter: approximately 11 to 13 cm on average.
 - color (when opening begins):
upper surface: Lemon Yellow, near Yellow-Orange Group 14C, and widely suffused with Yellow-Orange Group 14B.
under surface: near Yellow-Orange Group 14C, and widely suffused with Yellow-Orange Group 14B.
 - color (when blooming):
upper surface: Lemon Yellow, near Yellow-Orange Group 14C and widely suffused with Yellow-Orange Group 14B.
under surface: Lemon Yellow, near Yellow-Orange Group 14C and widely suffused with Yellow-Orange Group 14B.

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- color (at end of opening):
upper surface: near Yellow Group 8A and
suffused with Yellow Group 8B.
under surface: near Yellow Group 8A and
suffused with Yellow Group 8B.
- fragrance: light.
- lasting quality: very long on the plant. The
blossoms commonly last approximately 8
to 10 days on the plant depending upon
environmental conditions.
- petal shape: [wedge-shaped] denticulate
with a rounded apex and a wedge-shaped
base.
- petal size: on an open flower commonly
approximately 4 cm in length and
approximately 3.8 cm in width.
- petal texture: soft.

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- stamen number: approximately 62 on average.
- anthers: approximately 0.3 cm in size and near Yellow-Orange Group 21C in coloration.
- filaments: approximately 1.1 cm in length on average and near Yellow-Orange Group 21A in coloration.
- pistils: approximately 75 on average.
- stigmas: near Orange Group 26A in coloration.
- styles: approximately 0.6 cm in length on average and approximately 75 on average.
- receptacle: medium green, near Green Group 143A in coloration, and pitcher-shaped in longitudinal section.

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- hips: pitcher-shaped in longitudinal section,
approximately 1.2 cm in size, and near
Greyed-Orange Group 168B in coloration.
- seeds: generally round, approximately
0.2 cm in size on average, and commonly
number approximately 18 on average per
hip.

DEVELOPMENT

- vegetation -- very vigorous and strong. When pruned to
a height of 35 cm, a height of
approximately 120 to 130 commonly is
displayed at the end of the growing season.
- blooming -- very abundant.
- hardiness -- has withstood temperatures above -10°C.
- resistance to
diseases -- excellent with respect to Oidium and Black
Spot.
- aptitude to
bear fruit -- good.